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TESTIMONY ON H.R. 1534: TO CONVERT THE TEMPORARY
AUTHORITY TO ALLOW FEDERAL EMPLOYEES TO WORK ON A
FLEXIBLE OR COMPRESSED SCHEDULE UNDER TITLE 5,
UNITED STATES CODE, INTO PERMANENT AUTHORITY.

SUBMITTED BY: MICHAEL URQUHART, PRESIDENT OF
AFGE, LOCAL 12, AND BY DAVID SCHLEIN AND EARL
MELLOR, LOCAL 12 MEMBERS OF THE LABOR DEPARTMENT'S
FLEXITIME COMMITTEE.

We welcome this opportunity to testify before your
committee on HR 1534. I am Michael Urquhart, President of
AFGE, Local 12, which represents 5,000 employees at the U.S.
Department of Labor and the OSHA Review Commission. This
testimony was prepared by David Schlein and Earl Mellor,
Local 12 members of the Labor Department's Flexitime
Committee.

Our members are in complete support of this bill, which
would make permanent the legislation permitting flexible work
hours for Federal employees. Based on our experience with
alternative work schedules over the past 5 years, we have
concluded that continuation of these programs is in the best
interest of the public and Federal employees.

In late 1982 and early 1983, our union conducted a survey of bargaining unit employees in the Department of Labor regarding alternative work schedules (flexitime). Based on the results of 130 returned questionnaires from employees on flexitime in the Bureau of Labor Statistics (BLS), flexitime was viewed as beneficial to individual employees, the government, and the taxpayer.

The ability to arrive before the traditional 8:15am opening and stay beyond the traditional 4:45pm closing has extended the hours that BLS employees are available to respond to inquiries from the public, particularly to those from the western U.S.. Employees often have to return calls with the requested data to and to make calls to get information from regional offices and reporting establishments. Flexitime allows such calls to be made more quickly -- with fewer attempts needed, and at times when phone rates are lower -- when FTS lines are both less busy and less subject to their customary peak-period malfunctions. Similarly, employees can use computer facilities when there is less or no wait to get onto a terminal, faster computer turnaround time (hence, less connect-time charges), and lower charges for using the computers.

Secondly, employees can adjust their hours to met variations in the workload. Those engaged in research can continue working past 4:45 to follow through with an idea while it is fresh in the mind. Deadlines for press releases, articles, and special projects can now be met without as much use of overtime or compensatory time.

In summary, 87 percent of the BLS respondents said flexitime contributed to improved work. Ninety-one percent of the respondents said the Bureau would suffer if AWS were ended. Reasons offered include lower morale, reduced productivity, slower computer turnaround and higher computer costs, the use of more leave, fewer hours available to the public,

and more wasted time. (See Attachment A.)

Those surveyed also found great advantages to their personal lives. One-third found AWS to be an advantage to their commuting habits by allowing better use of public transportation, making it easier to arrange car pools and ending the problem of tardiness. One-fifth cited spending time with their families and meeting family responsibilities. In these times of dual employment for parents and single parents, the increased flexibility of AWS has proved a great practical advantage to employees. Others cited the ability to conduct personal business such as having a car repaired without having to use leave. Furthermore, others used flexitime to meet medical and dental needs without costing the government sick leave.

We urge that any new law exclude any provision for the unilateral termination of AWS by management as was permitted during the first 90 days after enactment of PL 97-221 in 1982. That provision allowed management to terminate by alleging -- without any need to prove -- adverse effects of AWS, without either prior negotiations or subsequent administrative or judicial review. In the Department of Labor, the Office of the Solicitor did terminate AWS under that provision without ever proving any specific adversity. Despite subsequent attempts to negotiate replacement schedules, which were allowed under 97-221, the employees of that agency still (almost 3 years later) have no flexitime.

The benefits to employees under Flexitime are great. Management, in any case, should not be allowed to unilaterally take away these benefits, especially without good cause.

It is also important to note that there are fewer and better alternatives available to management. As in the private sector, sound labor-management practice can resolve any problems with flexitime. In this case

the U.S. Department of Labor management has had the opportunity to reopen its Collective Bargaining Agreement during the past two years and will have another opportunity next February. Furthermore, our contract provides for joint labor-management committees to detect, discuss and resolve actual or potential problems with Flexitime. Management can request a committee meeting any time they believe a problem exists. An agency should not have the right to unilaterally terminate a program merely because management does not want to follow a negotiated agreement.

The Local 12 - Department of Labor agreement also provides for the legitimate concerns of management by including management's right to maintain coverage requirements, such as having phones answered, handling inquiries, providing staff support, and providing program needs based on business necessity during the official, traditional business hours. (See Attachment B.) Thus, flexibility is provided for the business of the agency to be conducted.

We believe that some changes can be made to improve the operation of Flexitime. First, OPM and Agency Management should be mandated to conduct training for managers and supervisors on the benefits of AWS and how to properly manage a Flexitime program. Training manuals and programs should also be developed to explain to employees how to take advantage of the benefits of flexitime. Also, we believe that the limit on credit hour accumulation should be expanded to provide for additional flexibility.

It's time to make alternative work schedules permanent, to increase the number of workers on flexible and compressed schedules, and to move forward, thinking of future legislation which will further enable workers to benefit from the continuing changes in technology, the family, and the American economy.

QUESTIONNAIRES

Flexitime Questionnaire

Profile

Agency BUREAU OF LABOR STATISTICS

Type of Flexitime Plan (i.e. Variable Week, Maxiflex, etc.) VARIABLE WEEK

Office (optional)

Name (optional)

TALLIED BY EARL MELLOR

Phone Number (optional)

(w) 523-1371

Questions (circle all answers that apply)

1. Under flexitime, I usually report to work between N=129
 a. 6-7 AM 22% c. 8-9 AM 21% d. varies 15%
 b. 7-8 AM 31% d. 9-10 AM 11%

2. Under flexitime, I usually leave work between N=129
 a. 3-4 PM 17% c. 5-6 PM 16% e. 7-8 PM 0%
 b. 4-5 PM 42% d. 6-7 PM 7% f. varies 18%

3. On average, I come to work between the hours of 9-10 N=128
 a. 6-10 days a pay period 13% d. only occasionally 44%
 b. 3-5 days a pay period 5% e. never 24%
 c. 1-3 days a pay period 14%

4. On average, I leave work after 6 PM N=128
 a. 6-10 days a pay period 7% d. less than 1 day a month 25%
 b. 3-5 days a pay period 11% e. never 38%
 c. 1-3 days a pay period 19%

5. How often do you use credit hours N=129
 to work less than 10 days a pay period?
 a. 2 days a pay period 3% d. less than 1 day a month 35%
 b. 1 day a pay period 14% e. never 18%
 c. 1 day a month 30%

6. A. How much contact do you have with the public in your job? N=130
 a. little or none 42% b. a lot 25% c. some 34%

B. What type of contact do you have with the public? N=103
MULTIPLE ANSWERS ALLOWED
 a. face-to-face contact in office 31% d. visits to worksites 12%
 b. by telephone 92% e. other (please specify) 2%
 c. written (letters, memos, etc.) 58%

C. How has flexitime affected your contact with the public?
 (please specify) RANK
#1 EXTENDS COVERAGE HOURS
#2 BETTER TO DEAL WITH THOSE IN OTHER TIME ZONES
#3 CAN DEVOTE MORE TIME TO INQUIRIES WITHOUT MISSING DEADLINES IN OTHER WORK

7. In your opinion, has flexitime contributed to performing your work better, made no difference, or had a negative effect? (please specify how?) RANK OF HOW MADE BETTER:
#1 IMPROVED QUALITY +/- OR QUANTITY OF WORK
#2 CAN WORK WHEN OFFICE IS QUIET - FEWER INTERRUPTIONS
#3 QUICKER COMPUTER TURNAROUND
#4 BETTER MORALE
#5 CAN WORK WHEN FEEL MORE PRODUCTIVE
#6 CAN USE COMPUTER AT DISCOUNT PERIODS
#7 CAN ADJUST HOURS TO MEET PEAK WORKLOAD PERIODS
#8 CAN STAY UNTIL A TASK IS FINISHED
#9 USE LESS LEAVE

8. What do you think the effect on your work (and if possible the Agency's mission) will be if flexitime is discontinued? (please specify) BETTER = 0% NO DIFFERENCE 9% NEGATIVE 91%
RANK OF NEGATIVE EFFECTS

#1 LOWER MORALE
#2 LOWER PRODUCTIVITY, LESS EFFICIENCY
#3 SLOWER COMPUTER TURNAROUND
#4 HIGHER COMPUTER COSTS
#5 USE MORE LEAVE
#6 FEWER HOURS AVAILABLE TO PUBLIC
#7 HAVE TO WORK WHEN OFFICE IS NOISY - MORE INTERRUPTIONS
#8 WASTE MORE TIME ON THE JOB

9. What changes to improve flexitime would you recommend? N=108
RANK

#1 NO CHANGES
#2 ALLOW ACCUMULATION OF MORE THAN 10 CREDIT HOURS
#3 GIVE FLEX TO EVERYONE, INCLUDING MANAGERS AND SUPERVISORS
#4 EXPAND TO WEEKENDS

10. For which of the following purposes do you use flexitime? N=127
 Please rank in order of frequency; for example, "1" for the most frequent purposes, "2" for next most frequent purpose, etc.

36% take better advantage of public transportation or carpool arrangements RANKED #1 BY 20%
(29%) spend more time with family or tend to family responsibilities such as child care (34%)
20% tend to personal business (banking, shopping, etc.) 4% recreation (43%)
(29%) medical/dental 8% education or training (49%)
(32%) other (please specify) (52%)

(MAGN RANK IN PARENTS)

11. How has flexitime affected your use of overtime and leave? N=114
 (please specify) EFFECT ON LEAVE
USE MORE LEAVE 0%
NO DIFFERENCE 7%
USE LESS LEAVE 89%
OTHER ANSWERS 4%

13. Departmental management has proposed increasing core time from 9 AM to 3:30 PM. If core time is extended, how will it affect you? N=123
IN A POSITIVE WAY 1%
NO CHANGE OR MINIMAL EFFECT 33%
NEGATIVELY 55%
NO CHANGE IF # OF CREDIT HOURS ONE CAN ACCUMULATE IS INCREASED 8%
UNSURE + OTHER 3%

Article 31

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Experimental Flexible Work Plan

Section 1. General

a. All employees in the bargaining unit not already on a negotiated flexitime plan will be covered by one of the following schedules as provided herein:

- (1) A minimum of 60 percent of the employees will be covered by a Variable Work Week Schedule or a Maxi-Flex Schedule.
- (2) A maximum of 40 percent of the employees will be covered by one of the following: Flexitour, Modified Flexitour, Gliding Schedule, Modified Gliding Schedule, Compressed Work Schedule and the Variable Day.

b. Under any of the above schedules, any employee may continue working a standard workday. All plans will be implemented within 75 calendar days from the signing of this Agreement. Each agency under this program may have no less than 15 percent of the bargaining unit employees in that agency on a Variable Work Week Schedule or Maxi-Flex Schedule.

Section 2. Existing Schedules

The negotiated flexitime schedules currently in effect in the Bureau of International Labor Affairs (ILAB) and Labor-Management Services Administration (LMSA) will remain in effect. The negotiated flexitime schedule currently in effect in the Employment and Training Administration (ETA) will be reviewed one (1) year from the date it was initially implemented. The ETA plan

will then be renegotiated to determine whether it is possible for ETA to be covered under the Departmentwide plan. If not, ETA shall continue under its present plan.

Section 3. Definitions

a. For the purposes of this article, the following definitions shall apply:

- (1) Maxi-flex is a flexible schedule which contains core time bands on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. An employee may vary the number of hours worked on a given workday or the number of hours each week, within the limits established for the organization.
- (2) Variable week is a flexible schedule containing core time on each workday in the biweekly pay period in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. An employee may vary the number of hours worked on a given workday or the number of hours each week, within the limits established for the organization.
- (3) Flexitour is a flexible schedule containing core time on each workday in which an employee, having once selected starting and stopping times within the flexible time band, continues to adhere to these times. Opportunities to select different starting and stopping times may subsequently be provided by the agency. Modified Flexitour is the same as Flexitour except that the employee may modify his/her schedule with the prior approval of the supervisor.

- (4) Gliding Schedule is a flexible schedule containing core time on each workday in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week, and may select an arrival time each day and may change the arrival time daily as long as it is within the established flexible time band. Modified Gliding Schedule is the same as gliding schedule except employees must insure minimum coverage is maintained during customer service hours.
 - (5) Variable Day is a flexible schedule containing core time on each workday in the week and in which a full-time employee has a basic work requirement of 40 hours in each week. An employee may vary the number of hours worked on a given workday within the week, within the limits established for the organization.
- b. In the above schedules, the following definitions shall apply:
- (1) Credit hours are earned for the time voluntarily worked in excess of an employee's basic work requirement. Employees may not "borrow" credit hours in advance between pay periods. Employees may carry over up to 10 credit hours from pay period to pay period. Credit hours are earned and may be used in 15 minute increments. Periods of less than 15 minutes will be rounded up or down to the nearest 15 minutes.
 - (2) Designated times and days during the biweekly pay period when an employee must be present for work. Core hours shall be 5 hours a day. Core hours will normally be 10 a.m. until 3 p.m., unless decided otherwise by the appropriate agency committee. With the supervisor's approval, an employee may use credit hours or leave during core hours.
 - (3) Overtime hours are all hours in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours.
- c. For the purposes of a compressed work schedule, the following definitions shall apply:
- (1) Compressed schedule:
 - (a) In the case of a full-time employee, an 80 hour biweekly basic work requirement which is scheduled for less than 10 workdays;
 - (b) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays;
 - (c) The compressed schedules used most often are the 5-4/9 and the 4 day week. In the 5-4/9 full-time employees work 80 hours for the biweekly pay period 5 days in one week and 4 days the next week. In the 4 day week full-time employees work 40 hours, 4 days each week.
 - (2) Overtime hours are any hours in excess of those specified hours which constitute the compressed schedule.

Section 4. Timekeeping

The traditional method of timekeeping will be used for all schedules requiring fixed schedules or an eight and one half hour day. Other schedules will use personal timekeeping sheets or logs. Actual completed daily work schedules will be recorded.

Section 5. Committees

a. Each agency shall have a joint labor-management flexitime committee which will be composed of equal numbers from each party. The agency flexitime committee shall implement the provisions of this article and oversee its functioning. All problems arising from implementation of the plan which cannot be resolved at a lower level shall be submitted to the agency flexitime committee. The committee will attempt to resolve any problems within the plan. The committee will meet at any time at the request of either party. Decisions will be made by agreement of the parties.

b. There shall be a committee at the Departmental level composed of equal members from each party to oversee implementation and functioning of the plan.

Section 6. Hours of Work

Employees on the day shift may begin work as early as 6:00 a.m. and may work as late as 8:00 p.m., Monday through Friday. Employees will not receive premium pay for hours worked past 6:00 p.m. unless such work is approved overtime.

Section 7. Negotiations

a. Where either party has a problem with the functioning of a schedule, they may initiate negotiations to change, modify or terminate the schedule.

b. If under Public Law 95-390, the Federal Employees Flexible and Compressed Work Schedule Act of 1978 (which currently expires on March 29, 1982), any of the schedules herein are terminated, either party may reopen this article. Such negotiations shall include only those areas that the law affects.

Section 8. Part-Time

a. The basic work requirement for a part-time employee is the number of hours which that employee is required to work or otherwise account for by use of credit hours, approved leave, compensatory time or excused absence during a pay period.

b. The basic work requirement for a part-time employee is the number of hours that employee is scheduled to work on that day.

c. Core hours will not necessarily apply to part-time employees. Appropriate arrangements will be worked out between the employee and the supervisor, consistent with the needs of the office and the spirit of the program.

Section 9. Pay Administration

Employees will be paid for the number of hours worked plus the amount of leave used (except LWOP). For pay purposes, credit hours will be treated as a type of leave.

Section 10. Shift Work

Employees on all shifts will be covered under this article.

Section 11. Coverage of Office Functions

a. Management will continue to have responsibility for seeing that the mission of the Department is

carried out. Each office will determine adequate coverage during office hours for the purpose of assuring that the functions of the office are fulfilled. Some examples of the principal forms of coverage are:

- (1) having phones answered;
- (2) providing clerical, technical and professional support;
- (3) providing office representation at essential meetings;
- (4) handling inquiries from the public; and
- (5) providing program needs based on business necessity.

b. When coverage requirements are established, all employees are obliged to meet coverage requirements. The determination of who will work which particular hours to insure such coverage is within the authority of the supervisor. Where practicable, personal preference will be honored in scheduling coverage. Where personal preference conflicts with the equitable sharing of the burden of coverage, personal preference shall give way. The opportunity of each employee to maximize his/her flexible work hours shall be consistent with the coverage of legitimate work unit functions. The official work day for office coverage shall be an 8½ hour day, Monday through Friday.

Section 12. Evaluation

In accordance with the Office of Personnel Management guidelines, information required under this experiment will be compiled by the Department for evaluation of the program. Such information will be shared with the Union wherever possible.